

**Town of Sunset Beach
Monthly Council
Work Session, Public Hearing(s) and Regular Meeting
June 26, 2017 – July Meeting**

MINUTES

Members Present: Mayor Robert Forrester, Mayor Pro-Tem Carol Scott, Councilman Peter Larkin (Arrived at 7:45 pm), Councilman Mark Benton, Councilman John Corbett and Councilman Rich Cerrato

Members absent: None

Attorney & Staff Present: Susan Parker, Town Administrator; Bonita Bray, Finance Director; Richard Childres, Deputy Fire Chief; Dustin Graham, Public Works Director; Ken Klamar, Police Chief; Hiram Marziano, Planning Director; Cindi Stephenson, Administrative Assistant; and Lisa Anglin, Town Clerk

Mayor Forrester called the Meeting to order at 6:30 pm.

Closed Session

MAYOR PRO-TEM SCOTT MADE A MOTION TO GO INTO CLOSED SESSION TO CONSULT WITH THE TOWN ATTORNEY CONCERNING PENDING LITIGATIONS CONCERNING JAGUAR'S LAIR AND THE PROPERTY LOCATED ON THE WEST END OF THE ISLAND AND TO SEEK LEGAL ADVICE CONCERNING POTENTIAL CONFLICT OF INTEREST. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

COUNCILMAN BENTON MADE A MOTION TO RETURN TO OPEN SESSION AND RECONVENE THE MEETING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Work Session

Mayor Forrester called for agenda amendments and general discussions by the Council.

Approval of the Draft Agenda

The Council reviewed the agenda and made the following amendments:

- Draft Annual Report Discussion

COUNCILMAN CERRATO MADE A MOTION TO APPROVE THE AGENDA AS AMENDED. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Mayor and Council Comments/Discussions

Fire Fee Committee - Mayor Pro-Tem Scott asked if the Brunswick County Commissioners have requested a recommendation from the Town concerning Committee Members for the Fire Fee Committee and suggested when they do for the Council to decide who will be recommended.

Mayor and Council Comments/Discussions (Cont.)

Stormwater Management Plan – Mayor Pro-Tem Scott advised that the costs of the Stormwater Management Plan implementation are estimated at \$3 - \$4 Million which could result in a tax increase next year or the funds received from the increase in the fire fees could be placed in a special fund for the Stormwater Management Plan.

Sunset Vision – Councilman Corbett advised that the Sunset Vision Group hosted the Sunset Beach Nature and Wildlife Art Show last weekend and raised sufficient funds to purchase and install a commercial grade binocular system at the Birdwalk. Councilman Corbett apologized for mistakenly using his Town .gov email address to send out an email related to the Art Show.

Sunset Creek Commons De-Annexation Bill – Mayor Forrester advised that Councilman Larkin was in Raleigh today for the Committee Hearing concerning the de-annexation bill and spoke on behalf of the Town. Mayor Forrester advised that it was a split vote to move it out of the Committee and on to the House for consideration.

Monthly Meeting

The Meeting convened at 7:00 pm and the Pledge of Allegiance was recited by those in attendance.

Public Hearing

Proposed UDO Amendment for Article 10 Landscaping and Buffering Requirements Section 10.06 Preservation of Trees

MAYOR PRO-TEM SCOTT MADE A MOTION TO OPEN THE PUBLIC HEARING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Karen Joseph 915 Sandpiper Bay Drive – Spoke in opposition to the language concerning golf courses ability to remove both heritage and non-heritage trees.

COUNCILMAN CORBETT MADE A MOTION TO CLOSED THE PUBLIC HEARING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Presentations

Eagle Scout Project to Enhance Public Fishing Pier Area at the Boat Ramp

Will Warner, Troop 201 Eagle Scout, informed the Council of the proposed Eagle Scout Project to enhance the public fishing pier area at the Boat Ramp. The project includes landscaping two (2) new beds, building a hatteras ramp leading from the parking lot to the pier entrance and building and placing two (2) or three (3) picnic tables under the oak tree. The project workdays will be on Saturdays in July and August with completion in early September. All materials and labor are being donated.

MAYOR PRO-TEM SCOTT MADE A MOTION TO APPROVE THE EAGLE SCOUT PROJECT. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Discussion Concerning Chapter 99 Park Rules and Uses (Moved from Old Business)

Mayor Pro-Tem Scott advised that she requested this item to be added to the Agenda noting that the intent was not aimed at the Farmers Market specifically but rather the Park rules, the types of organizations (non-profit and for-profit) using the Park and the fee structure for all types of events that

Discussion Concerning Chapter 99 Park Rules and Uses (Moved from Old Business) (Cont.)

are being held in the Park. Mayor Forrester advised that the Council will not hold a discussion or take any action concerning the Park during this meeting due to a conflict of interest allegation that Attorney Richardson is researching.

Public Comments on Agenda Items Only

Alena Edwards – Spoke in favor of the Farmers Market and other special events being held in the Park.

David Hutnik 915 Shoreline Drive – Advised the Council of the positive results for the Town and the area businesses when special events are held in the Park that brings visitors to the area.

Fred Lather, Vendor – Spoke in favor of the Farmers Market held in the Park.

Mr. Nelson 704 Shoreline Dr. E – Spoke in favor of the Farmers Market held in the Park.

Victoria Blatch Twisted Oak Circle – Spoke in favor of the Park and the events held in the Park.

Barbara Fenzl 611 Triangle Trail – Spoke in favor of the Park and the events held in the Park.

Karen Dombrowski 719 Fairway Drive E – Spoke in favor of the Park and the events held in the Park.

Jason McMillan, Vendor – Spoke in favor of the Farmers Market held in the Park.

Ann Bokelman 404 3rd St. – Questioned the purpose for amending the rules and the fee structure.

Charles Nern 647 Oyster Bay Drive – Questioned the need to limit the Park usage.

Susan Bradford 416 Marlin St. – Spoke in favor of the Park and the events held in the Park.

Ruth Reynolds 703 Northshore Drive – Spoke in opposition of for-profit organizations being allowed to hold events in the Park; stated the Park is being overused.

Robert Donnelly 213 Planters Ridge Drive – Spoke in favor of the Park and the events held in the Park.

David Eastburn 424 32nd St. – Suggested the Council re-appropriate the dredging project funds to the Stormwater Management Plan fund.

Karen Joseph 915 Sandpiper Bay Drive – Suggested that a \$250 special event application fee might be too high.

Presentations (Cont.)

Main Street Sidewalk Engineering

Michael Norton, McGill and Associates, presented the preliminary site plan for the Main Street 5' Sidewalk project stretching from 40th Street to the East end of the island. Norton noted the areas on the plan where the sidewalk curves is to go around utilities boxes. Norton advised that no private property will be affected. The estimated cost is \$350,000 and the Town has received \$100,000 grant.

Presentations (Cont.)

Shoreline Management and Pre-Dredging Analysis

Robert Neil, Moffatt and Nichols presented the results of the 2nd Scoping Meeting and advised that a shellfish survey will be required for North Jinks Creek totaling \$93,000. Neil advised that relocation or mitigation will be required if shellfish are located during the survey. Neil advised that the proposed width of the North Jinks Creek navigational channel has been reduced. The Council questioned how long it will take to get permits for the areas not in question (Mary's and Turtle Creek, the finger canals, the feeder channel and the bay area). Neil advised this fall. The timeframe will be extended until next year if North Jinks Creek is included.

COUNCILMAN BENTON MADE A MOTION TO PROCEED WITH THE JINKS CREEK SHELLFISH SURVEY. MAYOR FORRESTER CALLED FOR A VOTE. MAYOR PRO-TEM SCOTT, COUNCILMAN LARKIN AND COUNCILMAN CORBETT VOTED YES. COUNCILMAN BENTON AND COUNCILMAN CERRATO VOTE NO. THE MOTION CARRIED BY MAJORITY VOTE.

COUNCILMAN BENTON MADE A MOTION TO PROCEED WITH THE PERMITTING PHASE FOR MARY'S AND TURTLE CREEKS, THE FINGER CANALS, THE FEEDER CHANNEL AND THE BAY AREA AKA SOUTH JINKS CREEK. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Town Administrator Report

No Report.

Departmental Reports

No verbal Reports given.

Old Business

Discussion Concerning the Town Park Observation Deck Design and Costs

Bonnie Bray, Finance Director, advised that the Town will need to spend \$108,000 in order to request the remaining \$54,000 of the PARTF matching grant funds remaining. The Council briefly discussed if the proposed size was too small.

COUNCILMAN BENTON MADE A MOTION TO APPROVE THE CONSTRUCTION OF THE 10' X 10' OBSERVATION DECK AT A COST NOT TO EXCEED \$14,000. MAYOR FORRESTER CALLED FOR A VOTE. COUNCILMAN CERRATO, COUNCILMAN BENTON, MAYOR PRO-TEM SCOTT AND COUNCILMAN LARKIN VOTED YES. COUNCILMAN CORBETT VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

Discussion Concerning Amendment for Ordinance 93.01 Premises to be Kept Clean; Notice of Violation

The Council briefly reviewed the proposed amendments for Ordinance 93.01. The Council requested additional review and language clarification from Hiram Marziano. This item will be added to the July 18, 2017 agenda.

Consideration of Adoption of Budget Ordinance Amendment

MAYOR PRO-TEM SCOTT MADE A MOTION TO ADOPT THE 2016/2017 BUDGET ORDINANCE AMENDMENTS AS LISTED BELOW:

Old Business (Cont.)

Consideration of Adoption of Budget Ordinance Amendment (Cont.)

- a. to Accompany the Record Fire Truck Purchase Decision Approved 09/20/16 and to Record Initial Loan Payment
- b. to Receive FEMA Hurricane Matthew Partial Reimbursement Funds
- c. to Partner with NCDOT for Sunset Blvd. North Bike Lane Installation

MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Adoption of UDO Amendment for Article 10 Landscaping and Buffering Requirements Section 10.06 Preservation of Trees

The Council briefly reviewed the proposed Ordinance amendments for Article 10 and requested additional language changes by Staff and the Planning Board.

Consideration of Approval of COBRA Area Resolution

COUNCILMAN BENTON MADE A MOTION TO APPROVE THE COBRA AREA RESOLUTION. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Draft Annual Report Discussion

MAYOR PRO-TEM SCOTT MADE A MOTION TO APPROVE THE DRAFT ANNUAL REPORT AS AMENDED. MAYOR FORRESTER CALLED FOR A VOTE. MAYOR-PRO-TEM SCOTT, COUNCILMAN LARKIN, AND COUNCILMAN CORBETT VOTED YES. COUNCILMAN CERRATO AND COUNCILMAN BENTON VOTED NO. THE MOTION CARRIED BY MAJORITY VOTE.

New Business

Consideration of Acceptance of the Planning Board Recommendation for UDO Amendment for Article 6 Zoning Districts Section 6.06(H) BB-1 Beach Business District Related to Maximum Density for Multifamily and Schedule a Public Hearing for August 7, 2017 at 7:00 PM

MAYOR PRO-TEM SCOTT MADE A MOTION TO ACCEPT THE PLANNING BOARD RECOMMENDATION TO DENY THE PROPOSED UDO AMENDMENT FOR ARTICLE 6 SECTION 6.06 (H) BB-1 BEACH BUSINESS DISTRICT AND TO SCHEDULE A PUBLIC HEARING FOR AUGUST 7, 2017 AT 7:00 PM. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Acceptance of the Planning Board Recommendation for UDO Amendment for Article 1 Purpose, Article 2 General Regulations and Article 7 Supplemental Regulations Related to Building Codes, Regulations and Standards and Schedule a Public Hearing for August 7, 2017 at 7:00PM

MAYOR PRO-TEM SCOTT MADE A MOTION TO ACCEPT THE PLANNING BOARD RECOMMENDATION TO APPROVE THE PROPOSED UDO AMENDMENT FOR ARTICLE 1, ARTICLE 2 AND ARTICLE 7 AND TO SCHEDULE A PUBLIC HEARING FOR AUGUST 7, 2017 AT 7:00 PM. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

New Business (Cont.)

Consideration of Acceptance of Street Paving Petition - Town Clerk Certification for North Shore Drive and Authorization for Staff to Obtain Costs Estimate

COUNCILMAN BENTON MADE A MOTION TO ACCEPT THE TOWN CLERK CERTIFICATION FOR THE NORTH SHORE DRIVE STREET PAVING PETITION AND TO AUTHORIZE THE STAFF TO OBTAIN COSTS ESTIMATES. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Acceptance of Street Paving Petition – Town Clerk Certification for Cobia Street and Authorization for Staff to Obtain Costs Estimate

MAYOR PRO-TEM SCOTT MADE A MOTION TO ACCEPT THE TOWN CLERK CERTIFICATION FOR THE COBIA STREET PAVING PETITION AND TO AUTHORIZE THE STAFF TO OBTAIN COSTS ESTIMATES. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Consideration of Establishing Date of July 18, 2017 at 9:00 am for an Appeal Hearing to Hear an Appeal of Order to Take Corrective Action for Palm Cove Lot 8 and Palm Cove Lot 9 Issued by Hiram Marziano on June 13, 2017

COUNCILMAN LARKIN MADE A MOTION TO SCHEDULE THE APPEAL HEARINGS FOR PALM COVE LOT 8 AND LOT 9 FOR TUESDAY, JULY 18, 2017 AT 9:00 AM. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Review upcoming Agenda Items and Identify New Agenda Items for July 18, 2017 Meeting

The Council rescheduled the Tuesday, July 18, 2017 Meeting to Monday, July 17, 2017.

Public Comments

Dave Eastburn 424 32nd Street – Questioned the FEMA June 30, 2017 deadline for the Corrective Action for Palm Cove Lot 8 and Lot 9. Staff advised that FEMA is aware of the requested Appeal Hearings and is working with the Town through the process.

Charles Nern 647 Oyster Bay Drive – Advised that the regulations concerning trees and golf courses needs to be strengthened.

Adjournment

COUNCILMAN CORBETT MADE A MOTION TO ADJOURN THE JUNE 26, 2017 COUNCIL MEETING. MAYOR FORRESTER CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Town of Sunset Beach

Robert Forrester, Mayor

Submitted by:

Lisa Anglin, Town Clerk

*The June 26, 2017 Minutes were approved by Council during the August 7, 2017 Council Meeting.